

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

FIFTY-SECOND LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 28, 2007

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Langhorst, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Shoni Pegram, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Cameron was recorded present at his order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 27, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Stennett was recorded present at this order of business.

February 28, 2007

The JUDICIARY AND RULES Committee reports that **S 1178**, **S 1179**, **S 1180**, **S 1181**, **S 1182**, **SCR 117**, **SCR 118**, and **SJR 104** have been correctly printed.

DARRINGTON, Chairman

**S 1178**, **S 1181**, and **SJR 104** were referred to the State Affairs Committee.

**S 1179** and **S 1182** were referred to the Judiciary and Rules Committee.

**S 1180** was referred to the Transportation Committee.

**SCR 117** and **SCR 118** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2007

The EDUCATION Committee reports out **HCR 10** with the recommendation that it do pass.

GOEDDE, Chairman

**HCR 10** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1152** and **S 1156** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **S 1152** and **S 1156** were referred to the Fourteenth Order of Business, General Calendar.

February 27, 2007

The AGRICULTURAL AFFAIRS Committee reports out **H 156**, **H 43**, **H 44**, **H 58**, and **H 60** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

GANNON, Chairman

**H 156**, **H 43**, **H 44**, **H 58**, and **H 60** were filed for second reading.

February 27, 2007

The AGRICULTURAL AFFAIRS Committee reports out **H 78** with the recommendation that it do pass.

GANNON, Chairman

**H 78** was filed for second reading.

February 27, 2007

The AGRICULTURAL AFFAIRS Committee reports out **H 56** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GANNON, Chairman

There being no objection, **H 56** was referred to the Fourteenth Order of Business, General Calendar.

February 27, 2007

The TRANSPORTATION Committee reports out **S 1119**, **S 1130**, **S 1133**, and **S 1134** with the recommendation that they do pass.

McGEE, Chairman

**S 1119**, **S 1130**, **S 1133**, and **S 1134** were filed for second reading.

February 28, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 85** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HILL, Chairman

There being no objection, **H 85** was referred to the Fourteenth Order of Business, General Calendar.

February 28, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 141** with the recommendation that it do pass.

HILL, Chairman

**H 141** was filed for second reading.

February 28, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 116** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

HILL, Chairman

**H 116** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 27, 2007

Mr. President:

I transmit herewith **H 174**, as amended, **H 221**, **H 193**, **H 194**, **HCR 17**, **HCR 16**, **H 107**, **H 109**, **H 110**, **H 198**, **H 177**, **HCR 23**, **HCR 25**, and **H 196** which have passed the House.

JUKER, Chief Clerk

**H 174**, as amended, **H 221**, **H 193**, **H 194**, **HCR 17**, **HCR 16**, **H 107**, **H 109**, **H 110**, **H 198**, **H 177**, **HCR 23**, **HCR 25**, and **H 196** were filed for first reading.

February 27, 2007

Mr. President:

I return herewith **S 1032** and **S 1066** which have passed the House.

JUKER, Chief Clerk

**S 1032** and **S 1066** were referred to the Judiciary and Rules Committee for enrolling.

February 27, 2007

Mr. President:

I return herewith Enrolled **S 1051** and **S 1062**, which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1051** and **S 1062** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senators Burkett, Langhorst, and Stegner were recorded present at this order of business.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of John V. Evans was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of John V. Evans as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SJM 105**, having been held, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Stennett, seconded by Senator Little, **SJM 105** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **SCR 114** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Coiner, seconded by Senator Kelly, **SCR 114** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **SCR 115** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Cameron, seconded by Senator Langhorst, **SCR 115** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **SCR 116** was referred to the Judiciary and Rules Committee.

The President announced that **HCR 12** was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **HCR 12** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Stegner. Total - 1.

Total - 35.

Whereupon the President declared **HCR 12** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HJM 2** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, **HJM 2** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**H 174**, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 221**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 193** and **H 194**, by State Affairs Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**HCR 17**, by Revenue and Taxation Committee, was introduced, read at length, and referred to the State Affairs Committee.

**HCR 16**, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**H 107** and **H 109**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 110**, by Business Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 198** and **H 177**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 23** and **HCR 25**, by State Affairs Committee, were introduced, read at length, and referred to the State Affairs Committee.

**H 196**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**S 1171**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 106**, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1176** and **S 1177**, by Finance Committee, were read the second time at length and filed for third reading.

**H 32**, as amended in the Senate, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

**H 20**, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**H 71**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**S 1030**, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1123**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1089**, as amended, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1087**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Coiner, Gannon, Heinrich, Jorgenson, Schroeder. Total - 7.

NAYS--Bair, Bastian, Bilyeu, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway, Stegner, Stennett, Werk. Total - 28.

Total - 35.

Whereupon the President declared that **S 1087** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

The President called President Pro Tempore Geddes to the Chair.

**S 1148** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1148** passed, title was approved, and the bill ordered transmitted to the House.

**S 1150** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1150** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Thursday, March 1, 2007.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary